

- (h) Fancier's permit fee, per household..... 10.00
  - (i) The animal control program may establish license discounts for recognized rescue organizations.
- (Ord. No. 788, § 2, 2-9-88; Ord. No. 793, § 2, 5-24-88; Ord. No. 832, § 1, 9-25-90; Ord. No. 888, § 6, 11-8-94)

#### **Sec. 5-25. Penalty for violation.**

Except as specifically stated elsewhere, any violation of the provisions of this chapter, including those provisions relating to required fees, shall be punishable as an infraction, the penalty for which shall be as follows:

- (a) A fine not exceeding one hundred dollars (\$100.00) for a first violation.
- (b) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one (1) year.
- (c) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one (1) year.

(Ord. No. 788, § 2, 2-9-88)

**State law reference**—Penalty for violation of infraction, Gov. Code, § 36900(b).

#### **Sec. 5-26. Use of license and other revenue.**

All revenue derived from the fee schedule and from fines, forfeitures and penalties related to the enforcement of this chapter shall be used to offset the cost of enforcement and administration of this chapter.

(Ord. No. 788, § 2, 2-9-88)

#### **Sec. 5-27. Canine feces.**

(a) No owner or possessor, or person having control of any dog, shall do any of the following:

- (1) Permit or allow the dog to defecate upon the public property of the city or upon the private property of another person without the consent of the occupant or owner of that property unless the owner or the person having control or custody of the dog immediately removes the feces and properly disposes of it;

- (2) Walk a dog on public property of the city or upon the private property of a person without carrying at all times a suitable container or other suitable instrument for the removal and disposal of canine feces;
- (3) Fail to dispose of the container of the feces in a sanitary manner;

(b) Notwithstanding any other provision of this chapter, a violation of this section shall be an infraction, punishable as follows:

- (1) For the first violation, a fine of fifty dollars (\$50.00).
- (2) For the second violation, a fine of one hundred dollars (\$100.00).
- (3) For the third and subsequent violation, a fine of two hundred dollars (\$200.00).

(Ord. No. 788, § 2, 2-9-88)

#### **Secs. 5-27.1—5-27.4. Reserved.**

### **ARTICLE IA. SPAYING/NEUTERING OF CERTAIN DOGS AND CATS AND BREEDING PERMIT PROGRAM\***

#### **Sec. 5-27.5. Spaying/neutering.**

(a) No person shall own or harbor, within unincorporated San Mateo County or any city that has adopted the provisions of this chapter, any cat or dog over the age of six (6) months which has not been spayed or neutered, unless such person holds either a license to keep an unaltered dog or cat or license and permit for breeding cats or dogs issued by San Mateo County Animal Control Services under section 5-27.6 of this chapter.

(b) A license shall be issued for an unaltered dog or cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit under section 5-27.6 of this Code.

**\*Editor's note**—Section 7 of Ord. No. 888, adopted Nov. 8, 1994, provided for the addition of Art. I-A, §§ A-5-1—A-5-5. In order to maintain style of this Code, said article has been included herein as Art. IA, §§ 5-27.5—5-27.9.

(c) Any person providing care or sustenance for a period of thirty (30) days or longer shall be deemed the owner of such animal and shall adhere to the provision of this section.

(d) Subsection (c) above shall not be interpreted to apply to a person caring for a colony of feral cats if such person:

- (1) Registers (at no charge) with the Peninsula Humane Society or San Mateo County Animal Control Services as a caretaker for feral cats;
  - (2) Regularly feeds or arranges for the feeding of colony, including on weekends and holidays;
  - (3) Traps or makes a reasonable effort to trap all feral cats over the age of eight (8) weeks in his/her care, and has them spayed or neutered;
  - (4) Has all trapped cats tested for feline leukemia and has those who test positive humanely euthanized or isolated indoors;
  - (5) Identifies feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging;
  - (6) Has all trapped cats vaccinated according to state and local laws.
- (Ord. No. 888, § 7, 11-8-94)

#### **Sec. 5-27.6. Breeding permits; administration.**

(a) No person shall cause or allow any dog or cat owned or harbored, in unincorporated San Mateo County or any city that has adopted the provisions of this charter, to breed without first obtaining a breeding permit under this section.

(b) San Mateo County Animal Control Services shall administer a permit program to allow breeding of cats and dogs consistent with criteria and according to procedures contained in this chapter.

(c) Each applicant who is issued a permit to breed cats or dogs under this section shall pay a breeding permit fee according to the fee schedule contained in section 5-24 of this Code.

(d) No person shall cause or allow the breeding of a male or female dog or cat without first

obtaining a breeding permit issued by animal control services. Such breeding permit is required in addition to any license required under section 5-4 of this Code. Breeding permits shall be valid for twelve (12) months, renewable on an annual basis. Fees for such permit shall be as set forth in section 5-24. All breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:

- (1) No offspring may be sold or adopted and permanently placed until reaching an age of at least eight (8) weeks.
  - (2) No offspring may be sold or adopted until immunized against common diseases.
  - (3) If within one (1) year of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall assist in placement of the animal. If no suitable placement can be found within six (6) months, the permit holder shall accept return of the animal if healthy and shall become fully responsible for its care.
  - (4) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they advertise. Further, the permit number must be provided to any person adopting or purchasing any animal bred by the permit holder.
  - (5) The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by the animal control services.
- (Ord. No. 888, § 7, 11-8-94)

#### **Sec. 5-27.7. Sale or adoption of cats or dogs.**

(a) Any person who provides or offers to the public, whether or not for compensation, any pet or pet related goods or services shall provide to their clients, free of charge, information relating to pet care and ownership, including information on county law pertaining to animal control. This required information will be prepared and provided by the San Mateo County Animal Control Services.

(b) Any person offering cats or dogs for sale or adoption shall disclose to any purchaser or adoptive owner information regarding the licensing or permit requirements of San Mateo County applicable to such animal.

(c) No person shall offer for sale or adoption any cat or dog on any public street, sidewalk or public park unless such person first obtains a business license to sell pets or is a recognized pet rescue/adoption agency such as Pets in Need and the Peninsula Humane Society.

(d) Prior to release for adoption, any animal adopted from any animal welfare agency shall be spayed or neutered as early as is medically appropriate, unless the adoptive owner obtains a certificate from a licensed veterinarian certifying as to the health reasons for failing to alter such animal.

(Ord. No. 888, § 7, 11-8-94)

#### **Sec. 5-27.8. Revocation of permit.**

(a) Any permit issued pursuant to section 5-27.6 be revoked if the animal control officer has reasonable cause to believe any of the following to be true:

- (1) The permittee has violated any state or local ordinances relating to the keeping, care or use of any animal including, but not limited to, those contained in chapter 5 of this Code;
- (2) The permittee is in violation of any state health or safety or safety law or regulation regarding animal care or control;
- (3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this Code;
- (4) The permittee refuses to allow inspection, upon forty-eight (48) hours' written notice, of any animal covered by the permit or the premises on which the animal is kept; or
- (5) The permittee has transferred, sold or otherwise disposed of the animal for which the permit was issued.

(b) If, after investigation, the animal control officer concludes that it is probable that one (1) or

more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the permittee. Said notice shall specify the grounds of possible revocation of permit and shall specify a date and time for an informal hearing to be held before an animal control officer. Said date shall be not less than five (5) days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit.

(c) The permittee may appeal the decision of the animal control officer to the county environmental health officer if the permittee gives written notice of such appeal within five (5) working days of the decision.

(Ord. No. 888, § 7, 11-8-94)

#### **Sec. 5-27.9. Penalty for violation.**

Except as otherwise provided by this chapter, any violation of the provisions of this chapter shall be punishable as an infraction, the penalty of which shall be as follows:

- (a) A fine not to exceed one hundred dollars (\$100.00) for a first violation.
- (b) A fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1) year.

(Ord. No. 888, § 7, 11-8-94)

#### **Secs. 5-27.10—5-27.14. Reserved.**

### **ARTICLE IB. ANIMAL FANCIERS' PERMITS\***

#### **Sec. 5-27.15. Animal fancier permit program.**

(a) The division of animal control shall administer an animal fancier permit program as described by this chapter to allow the keeping of dogs and/or cats up to a total of ten (10) animals.

(b) Up to a total of ten (10) animals (dogs and/or cats) may be kept at any one (1) premises

**\*Editor's note**—Section 8 of Ord. No. 888, adopted Nov. 8, 1994, provided for the addition of Art. I-B, § B-5-1—B-5-11. In order to maintain style of this Code, said article has been included herein as Art. IB, §§ 5-27.15—5-27.25.